

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

In re: Brandon Adams,
Plaintiff

Case Nos.

2:23-cv-01923-CDS-MDC
2:24-cv-00216-CDS-MDC
2:24-cv-00219-CDS-MDC
2:24-cv-00220-CDS-MDC
2:24-cv-00282-CDS-MDC
2:24-cv-00392-CDS-MDC

Order Adopting Magistrate Judge's Reports and Recommendations and Closing Cases

Pro se plaintiff Brandon Adams brought numerous civil actions¹ in this district alleging a wide array of constitutional violations against various entities and parties. Adams initiated these actions without paying the filing fee or applying to proceed *in forma pauperis* (IFP). Thus, on March 26, 2024, United States Magistrate Judge Maximiliano D. Couvillier, III, ordered Adams to pay the filing fee in full or to file the IFP application in each of the above-listed cases by April 9, 2024.² After finding that the deadline had passed and Adams had not paid the filing fee, submitted an IFP application, nor requested more time to do so, Judge Couvillier recommends that I dismiss the actions for Adam's failure to comply with the court's order.³

Under this district's local rules, Adams had until April 26, 2024 to file any objections to the R&Rs. See LR IB 3-2(a) ("The deadline to file and serve any objections to a magistrate judge's findings and recommendations is 14 days after service of the findings and recommendations."). As of the date of this order, no objections have been filed. Although I am not required to review

¹ There is one additional pending matter brought by Adams in this district. See 2:22-cv-01234-CDS-MDC. I have issued a separate order dismissing that action and declaring Adams a vexatious litigant.

² See Order, 2:23-cv-01923-CDS-MDC, ECF No. 52; 2:24-cv-00216-CDS-MDC, ECF No. 8; 2:24-cv-00219-CDS-MDC, ECF No. 8; 2:24-cv-00220-CDS-MDC, ECF No. 5; 2:24-cv-00282-CDS-MDC, ECF No. 8; and 2:24-cv-00392-CDS-MDC, ECF No. 11.

³ See 2:23-cv-01923-CDS-MDC at ECF No. 67; 2:24-cv-00216-CDS-MDC, ECF No. 10; 2:24-cv-00219-CDS-MDC, ECF No. 8; 2:24-cv-00220-CDS-MDC, ECF No. 6; 2:24-cv-00282-CDS-MDC, ECF No. 9; and 2:24-cv-00392-CDS-MDC, ECF No. 12.

1 Judge Couvillier's R&Rs,⁴ I nonetheless reviewed each one, as well as their corresponding
 2 dockets, and agree that Adams failed to comply with the order requiring completion of the IFP
 3 form or full payment of the filing fees and that dismissal is thus appropriate.

4 **I. Discussion**

5 District courts have the inherent power to control their dockets and “[i]n the exercise of
 6 that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.
 7 *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss
 8 an action based on a party’s failure to obey a court order or comply with local rules. See *Carey v.*
 9 *King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (affirming dismissal for failure to comply with local
 10 rule requiring pro se plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833
 11 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order). In determining
 12 whether to dismiss an action on one of these grounds, the court must consider: (1) the public’s
 13 interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the
 14 risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their
 15 merits; and (5) the availability of less drastic alternatives. See *In re Phenylpropanolamine Prod. Liab.*
 16 *Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting *Malone*, 833 F.2d at 130).

17 The first two factors, the public’s interest in expeditiously resolving this litigation and
 18 the court’s interest in managing its docket, weigh in favor of dismissal of Adams’ claims. Adams
 19 provides no justification for his repeated refusal to comply with court orders and the local rules,
 20 nor to attentively prosecute his claims. This makes the court’s ability to manage its docket or
 21 move cases along expeditiously near impossible. As to the third factor, the court can discern no
 22 risk of prejudice to defendants here, given that they were never even served in this matter. The
 23 fourth factor—the public policy favoring disposition of cases on their merits—is greatly
 24 outweighed by the factors favoring dismissal.

25
 26 ⁴ “[N]o review is required of a magistrate judge’s report and recommendation unless objections are filed.”
Schmidt v. Johnstone, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); see also *Thomas v. Arn*, 474 U.S. 140, 150
 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

1 The fifth factor requires me to consider whether less drastic alternatives can be used to
 2 correct the party's failure that brought about the need to consider dismissal. See *Yourish v.*
 3 *California Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less drastic
 4 alternatives before the party has disobeyed a court order does not satisfy this factor); *accord*
 5 *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002). Courts "need not exhaust every
 6 sanction short of dismissal before finally dismissing a case, but must explore possible and
 7 meaningful alternatives." *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). I find that given
 8 Adams' vexatious behavior, no sanction short of dismissal will be effective. Adams was warned,
 9 repeatedly, that failure to comply with court-imposed deadlines and orders would result in
 10 dismissal—and failed to act. See *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992) ("[A] district
 11 court's warning to a party that his failure to obey the court's order will result in dismissal can
 12 satisfy the 'consideration of alternatives' requirement."). Moreover, Adams had an opportunity
 13 to object to the R&Rs recommending dismissal; but failed to do so. Thus, the fifth factor also
 14 favors dismissal as I do not find that future opportunities or warnings would be effective.

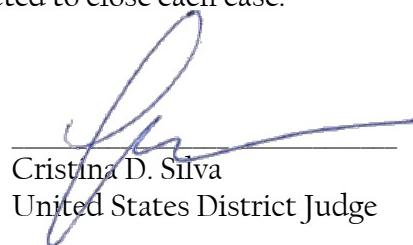
15 Having thoroughly considered these factors, I find dismissal is appropriate here. Thus, I
 16 find that Judge Couvillier's recommendation is not clearly erroneous nor contrary to law⁵ and I
 17 adopt it in full.

18 II. Conclusion

19 IT IS THEREFORE ORDERED that Magistrate Judge Couvillier's Reports and
 20 Recommendations in each of the above-listed cases are ADOPTED in their entirety.

21 IT IS FURTHER ORDERED that each of the above-listed complaints are dismissed
 22 without prejudice. The Clerk of Court is kindly instructed to close each case.

23 Dated: April 30, 2024



24
 25 Cristina D. Silva
 26 United States District Judge

⁵ A magistrate judge's order should only be set aside if it is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a); LR IB 3-1(a); 28 U.S.C. § 636(b)(1)(A).